

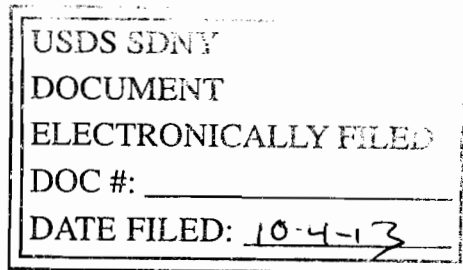
MEMO ENCLOSED

SCHLAM STONE & DOLAN LLP

HARVEY M. STONE  
RICHARD H. DOLAN  
WAYNE I. BADEN  
MICHAEL A. BATTLE  
JAMES C. SHERWOOD  
THOMAS A. KISSANE  
BENNETTE D. KRAMER  
JEFFREY M. EILENDER  
JOHN M. LUNDIN  
DAVID J. KATZ  
JONATHAN MAZER  
ERIK S. GROOTHUIS  
ROBERT L. BEGLEITER  
ELIZABETH WOLSTEIN

26 BROADWAY  
NEW YORK, N.Y. 10004  
(212) 344-5400  
TELECOPIER: (212) 344-7677  
www.schlamstone.com

PETER R. SCHLAM (1944-2005)  
OF COUNSEL  
RONALD G. RUSSO  
MARY W. ANDERSON  
HILLARY S. ZILZ  
BRADLEY J. NASH  
VITALI S. ROSENFELD  
NIAL D. O'MURCHADHA  
ANDREW S. HARRIS  
SAMUEL L. BUTT  
RAFFI MELKONIAN



October 3, 2013

**VIA E-MAIL TO [sullivanysdchambers@nysd.uscourts.gov](mailto:sullivanysdchambers@nysd.uscourts.gov)**

Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York, 500 Pearl Street  
New York, New York 10007

Re: **Zurich American Ins. Co. et ano. v. Supreme Foodservice AG et al.**  
**Case No.: 12 CV 9117 (RJS) (FM)**

Dear Judge Sullivan:

This firm represents the Defendants in the above-referenced action ("Defendants"). We write to respectfully request that the Court reconsider, in part, its September 27, 2013, Amended Scheduling Order. (Docket No. 21). Our request would not change the date to conclude all discovery, but would extend fact discovery another month to avoid prejudice to Defendants. Plaintiffs consent to this request.

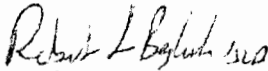
In the Amended Scheduling Order, the Court revised the schedule agreed upon by the parties and set November 1, 2013, as the date for completion of fact discovery and fact depositions. We respectfully request that this date be extended one month to December 2, 2013. This brief extension is required because Defendants did not receive Plaintiffs' production until October 1, 2013, and then learned that it consisted of over 11,000 documents totaling more than 55,000 pages. These figures do not include the responsive documents that Plaintiffs made available through Plaintiffs' webportal on September 23, 2013, which significantly increases the amount of documents Defendants must review. Moreover, Plaintiffs have already noticed several depositions beginning October 14, and subpoenaed three additional non-party witnesses to testify. We met and conferred with Plaintiffs as to the noticed dates and they agreed the depositions could be held at a later date, subject to the granting of the extension requested in this letter, to which they consent. Defendants will be prejudiced if required to take and defend depositions on such an accelerated schedule.

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Defendants further believe that expert discovery could be accomplished in the period from December 2, 2013, to January 3, 2014, the end date for discovery currently set by the Court in the Amended Scheduling Order, and thus the ultimate schedule could be maintained. In the parties' proposed amended schedule to the Court, expert discovery was to occur concurrently with fact discovery.

Accordingly, we respectfully request the Court memo endorse this letter and grant a one-month extension only of the time to complete fact discovery to December 2, 2013. We thank the Court for its attention to this matter.

Respectfully submitted,

  
Robert L. Begleiter

Cc: (Via-E-mail)  
Charles Platt  
Rebecca Haciski

SO ORDERED

Dated:

10/3/13

  
RICHARD J. SULLIVAN  
U.S.D.J.